

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**EDWARD M. ANTHOS**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**1:09-CV-188\_\_\_\_  
(FJS)**

**Related Criminal Action  
1:95-CR-167**

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**ORDER**

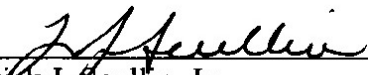
Petitioner has moved for a corrected judgment based on the United States Department of Justice's December 17, 2008 determination that the increased penalty provisions contained in 18 U.S.C. §§ 1028(b)(1) and (b)(2) do not apply as a matter of law to convictions under 18 U.S.C. §§ 1028(a)(4) and (a)(6). Having reviewed that determination and the applicable statutes, the Court concludes that the United States Department of Justice's determination is correct. Accordingly, the Court hereby

**ORDERS** that Petitioner's motion pursuant to 28 U.S.C. § 2255 is **GRANTED**; and the Court further

**ORDERS** that the Clerk of the Court shall file a corrected judgment reflecting that the conviction under 18 U.S.C. §§ 1028(a)(4) and/or (a)(6) is a misdemeanor.

**IT IS SO ORDERED.**

Dated: April 7, 2009  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge